JILL DOE, A MINOR, BY HER PARENT AND NEXT FRIEND, JANE DOE c/o Murphy, Falcon & Murphy 1 South Street, Suite 2300 Baltimore, MD 21202	*	
Individually and on behalf of all others similarly situated, **Plaintiff,**	*	**IN THE** **CIRCUIT COURT** **FOR**
v.	*	**BALTIMORE CITY**
SAINT FRANCES ACADEMY, INC. 501 East Chase Street Baltimore, MD 21202 Serve on: Barbara Spears 501 East Chase Street Baltimore, MD 21202	*	**Case No. _____**
and	*	
ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE 320 Cathedral Street Baltimore, MD 21201 Serve on: David W. Kinkopf Suite 400 218 North Charles Street Baltimore, MD 21201	*	
and	*	
RYAN PENALVER 1805 Sherwood Avenue, Apt. 1A Baltimore, Maryland 21239	*	
Defendants.	*	

18 MAY 16 PM 3:07
CIVIL DIVISION

* *

CLASS ACTION COMPLAINT AND JURY TRIAL DEMAND

COMES NOW Plaintiff Jill Doe, a minor, by her parent and next friend, Jane Doe,[1] individually and on behalf of all others similarly situated, by and through undersigned counsel, and brings this class action lawsuit against Defendants Saint Frances Academy, Inc., the Roman Catholic Archbishop of Baltimore, and Ryan Penalver. Plaintiff brings this class action for the benefit and protection of all current and former students at Saint Frances Academy who were or may have been sexually abused, exploited, and inappropriately touched by Ryan Penalver, a teacher and administrator at Saint Frances Academy, a private Roman Catholic high school located at 501 East Chase Street in Baltimore City, Maryland. Penalver engaged in inappropriate and sexually explicit communications with Jill Doe and sexually harassed, abused, assaulted, exploited, and inappropriately touched her. These acts were, upon information and belief, also undertaken with other students who were minors and legally incapable of providing consent. In support of this Claim, Plaintiff avers as follows.

JURISDICTION AND VENUE

1. Jurisdiction is proper in the Circuit Court for Baltimore City pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-102 and § 6-103 because Defendants have an interest in property and/or regularly engage in and/or conduct business in Maryland.

2. Venue, as conferred under Md. Code Ann., Cts. & Jud. Proc. Code Ann. §§ 6-201, 6-202, is proper in Baltimore City because the acts giving rise to the claims occurred in Baltimore City, Maryland, Defendants maintain their principal offices and/or carry on regular business in Baltimore City, Maryland, and Plaintiff Jill Doe resides with her parent and next friend, Jane Doe, in Baltimore City, Maryland.

[1] "Jill Doe" and "Jane Doe" are pseudonyms used to protect the minor child's privacy and identity, particularly given the sensitive subject matter of this action. Proceeding under their full names, or even employing initials, would subject Jill and Jane Doe to substantial mental and emotional anguish, related physical injuries, and social stigma beyond that already suffered as a result of Defendants' conduct.

3. The amount of this claim exceeds $30,000.

PARTIES

4. Plaintiff Jill Doe is a minor and is proceeding in this action by and through her mother and next friend, Jane Doe.

5. Jane Doe is an adult citizen of the State of Maryland who resides in Baltimore City. Jill Doe resides with Jane Doe and is a resident of the State of Maryland and Baltimore City.

6. Defendant Saint Frances Academy, Inc. ("SFA") is a corporation organized under the laws of Maryland with a principal place of business located in Baltimore City, Maryland. SFA owns and operates Saint Frances Academy, a private Roman Catholic high school located in Baltimore City.

7. Defendant Roman Catholic Archbishop of Baltimore ("Archdiocese") is a corporation organized under the laws of Maryland with a principal place of business located in Baltimore City. At all times relevant herein Defendant Archdiocese oversaw, supervised, financed, managed, and was responsible for the daily operations of Defendant SFA and Saint Frances Academy.

8. Archdiocese and SFA along with their respective directors, officers, employees, agents and servants, are collectively referred to as "School Defendants."

9. Defendant Ryan Penalver is an adult citizen of the State of Maryland who resides in Baltimore City. From 2012 to May 2018, Ryan Penalver was a teacher and administrator at Saint Frances Academy.

10. At all relevant times, Penalver was the actual and/or apparent, duly authorized agent, servant, and/or employee of School Defendants and was acting in the course and scope of his agency and/or employment.

11. At all relevant times, the School Defendants were responsible for the substandard, intentional, and negligent acts of their employees, agents, and/or servants/contractors, including Penalver. Accordingly, the School Defendants were and are vicariously liable to Plaintiff for the acts of their actual and apparent agents, including Penalver, pursuant to the doctrine of respondent superior.

FACTUAL ALLEGATIONS

12. Jill Doe is a minor and a current student at Saint Frances Academy, which is located at 501 East Chase Street in Baltimore City, Maryland.

13. Saint Frances Academy is a Roman Catholic high school owned, operated, managed, financed, and overseen by School Defendants. As of 2018, enrollment was approximately 180 students.

14. The Archdiocese dedicates a separate section of its website to "Catholic Education." Saint Frances Academy is identified as an Archdiocese school. The Archdiocese describes the mission of its Catholic schools (including Saint Frances Academy) as "provid[ing] a Christ-centered education that is academically excellent and empowers students to reach their full potential—spiritually, intellectually, physically, socially, and morally." It states that this mission is accomplished "through robust collaboration among all stakeholders" and includes "accountable leadership at all levels, ongoing and coordinate strategic planning, centralized efficiencies, and financial sustainability."[2]

[2] https://www.archbalt.org/schools/catholic-schools/vision-mission/ (last accessed May 16, 2018).

15. The Archdiocese's publicly available 2017 Annual Report states that the Archdiocese's Department of Catholic Schools "leads the Catholic School System of the Archdiocese of Baltimore" with respect to, *inter alia*: curriculum and professional development, tuition and scholarship programs, budget and fiscal support, Mid-Atlantic Catholic School Consortium, and Teacher and Principal recruitment.[3] The Archdiocese takes an active role in the oversight, management, supervision, operation, financing, and development of SFA and Saint Frances Academy.

16. The Archdiocese's website contains a section entitled "How the Church Responds to Sexual Abuse Allegations—Questions and Answers."[4] It states that the Archdiocese of Baltimore "has long been committed to the treatment and healing of those who have been harmed through abuse. We apologize and offer counseling assistance and pastoral services."

17. Parents, including Jane Doe, entrust the School Defendants with the care and protection of their children. Jane Doe specifically chose a Roman Catholic education and a school she understood to be owned, operated, managed, controlled, and supervised by the Archdiocese, for Jill Doe. Based on representations from the Archdiocese and Saint Frances Academy, she expected that the school would provide her daughter not only with excellent academic training, but also with unsurpassed moral, emotional, social, psychological, and spiritual training, guidance, and supervision. School Defendants were and are responsible for the care, supervision, and safety of the students, including Jill Doe.

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[3] https://www.archbalt.org/wp-content/uploads/2018/01/2017-Annual-Report_RV2.pdf (last accessed May 16, 2018).

[4] https://www.archbalt.org/about-us/how-the-church-responds-to-sexual-abuse-allegations-questions-and-answers/ (last accessed May 15, 2018).

18. From 2012 through May 2018, Ryan Penalver was employed as a paid teacher and administrator at Saint Frances Academy. He was Director of the New Student Institute, Global Awareness Department and a history teacher.

19. The New Student Institute is a mandatory summer session that includes coursework and community building. By virtue of his directorship at the New Student Institute, Penalver had direct access to every student at Saint Frances Academy during his tenure there. Moreover, Penalver's access as a teacher and administrator permitted him access to the school buildings and campus, including locked areas that required a key for access (which Penalver possessed).

20. In his various roles at the school, Penalver was responsible for the care, supervision, and safety of the students, including Jill Doe.

21. Penalver exchanged sexually explicit text messages and pictures with Jill Doe. While in the school building and while the school was open, Penalver pressured and/or coerced Jill Doe to engage in sexual acts with him. Upon information and belief, Penalver did and/or may have engaged in similar acts with other students.

22. Penalver was able to exercise control over these students by virtue of his position of trust and authority at the school, which were conferred upon him by School Defendants.

23. Jill Doe was one of Penalver's history students and had attended the New Student Institute under Penalver's directorship. On or about April 18, 2018, Penalver initiated email communications with Jill Doe using his (and her) Saint Frances Academy email accounts, which were owned, operated, and controlled by the School Defendants.

24. In those email communications, Jill Doe expressed a wish to harm herself. Rather than take any action to ensure Ms. Doe's safety, such as by reporting these concerning thoughts

to the appropriate persons (including a mental health professional, Ms. Doe's parents or family, or school administrators), Penalver instead took advantage of Ms. Doe's vulnerability and fragility by sexually pursuing, exploiting, abusing, and assaulting her.

25. On or about April 20, 2018, Penalver convinced Jill Doe to converse with him exclusively over cell phone text messages. He directed her to delete the emails that they had exchanged over Saint Frances Academy email system.

26. Penavler immediately began asking Jill Doe sexually explicit questions. He told her that he liked her "as a girlfriend," that he wanted to have sex with her, and that he had been watching her in class all year. He sent her a picture of his penis. Penalver coerced Jill Doe to take sexually explicit photographs and videos of herself and send them to him via text message, which she did.

27. Penalver directed Jill Doe to give him a code name in her phone so that his identity and the inappropriate nature of their communications and relationship would not be discovered. She complied and named him "Bubble Gum."

28. Throughout this time period, Penalver continued to teach Jill Doe in her daily history class.

29. On or about May 2 or 3, 2018, Penalver texted Jill Doe while at Saint Frances Academy, *i.e.* on the School Defendants' property and while the school was open. He told her that he thought she "wanted to do something" and directed her to see if there was anyone on the fourth floor of the old building. When he confirmed that only a janitor was nearby, he led Jill Doe to the fourth floor and into a locked room. He unlocked this room with a key he possessed by virtue of his position at Saint Frances Academy, and locked the door behind himself and Ms.

Doe. Penalver then coerced Jill Doe to engage in sexual acts with him, including digital vaginal penetration and oral sex.

30. After they left the area, another student saw them leave and asked what they had been doing. Penalver lied and told the student that he had been simply helping Jill Doe with some school papers. Later that evening, Penalver asked Jill Doe via text if the size of his penis was "ok," and sexually explicit text communications continued between him and Jill Doe.

31. On or about May 9, 2018, another student discovered the text messages between Jill Doe and Penalver and reported them to a Saint Frances Academy teacher, *i.e.,* an employee and/or agent of the School Defendants, Allene Gutin. Ms. Gutin notified Child Protective Services. She also notified other Saint Frances Academy personnel and administrators, all employees and/or agents of the School Defendants, including Dr. Curtis Turner, Principal[5]; Marc Boles, Vice Principal; Gina Dorsey, Counselor; and Deacon Lavender, Counseling and Mental Health Services. At some point Ms. Doe's family was notified.

32. For the next several days, the School Defendants continuously pulled Jill Doe out of class to discuss Penalver, drawing attention to her. On Friday, May 12, 2018 the School Defendants circulated a letter to all parents, informing them that a student had been sexually assaulted by a teacher. While Ms. Doe was not identified by name, the school community is a small one and that letter, in addition to the numerous times she was absent from class in the days prior to and subsequent to the letter, meant that Ms. Doe's identity became common knowledge. As a result, Jill Doe has been subjected to harassment and abuse.

33. On or before November 12, 2017, Penalver was charged with criminal harassment in the District Court of Maryland for Baltimore City. School Defendants knew or should have

[5] Dr. Turner is also a permanent deacon for the Archdiocese.

known of these allegations, should have undertaken a timely, appropriate, and adequate investigation, and/or should have discharged Penalver at that time.

34. Upon information and belief, prior to Penalver's assault and abuse of Jill Doe, it was known on campus that Penalver previously had engaged in inappropriate communications with minor students. School Defendants knew or should have known of these allegations, suspicions, and concerns and should have undertaken a timely, appropriate, and adequate investigation, and/or should have discharged Penalver at that time.

35. The administration knew or should have known about Penalver's harassment and predatory conduct prior to April 2018, but the School Defendants failed to remove him from the school in a timely manner.

36. As a direct and proximate result of Defendants' actions, Plaintiff and, upon information and belief, the Class Members suffered damages, including but not limited to, physical injury, emotional harm and distress, emotional trauma, humiliation, embarrassment, loss of privacy, mental pain and suffering, fright, nervousness. indignity, and insult. Plaintiff and, upon information and belief, Class Members will require psychological counseling and other treatment as a result of this abuse.

CLASS ALLEGATIONS

37. Plaintiff Jill Doe, by her parent and next friend, Jane Doe, brings this lawsuit individually and on behalf of all other persons similarly situated, defined as follows:

> All current and former students at Saint Frances Academy whom Ryan Penalver sexually harassed, abused, assaulted, and/or exploited from 2012 through May 2018.

38. Excluded from the definition of the Class are the Defendants and any entity in which any of the Defendants has a controlling interest; any current W-2 employees, officers, or

directors of any Defendant; any individual who was a W-2 employee, officer, or director of any Defendant from 2012 to May 15, 2018 the legal representatives, heirs, successors, assigns of any Defendant; and members of the Maryland Judiciary and their legal representatives, heirs, successors, assigns, and spouses.

39. This action is brought and may properly be maintained as a class action. This action satisfies the numerosity, typicality, adequacy, predominance and/or superiority requirements under applicable law.

40. Based on information and belief, there are numerous members of the Class, and Penalver had access to every student at Saint Frances Academy for the six years that he was tenured there. The Class is therefore so numerous that joinder of all members in a single action is impracticable. The members of the Class should be readily identifiable from information and records in Defendants' possession, custody or control and law enforcement's possession, custody and control. The disposition of these claims will provide substantial benefits to the Class.

41. There are common questions of law and fact in this action which are not only common to the Class, but which predominate over any questions affecting only individual members of the Class. These predominating questions include, but are not limited to:

a. Whether Ryan Penalver sexually abused students at Saint Frances Academy;

b. Whether Ryan Penalver inappropriately harassed, pursued, sought to communicate with, and/or otherwise inappropriately interacted with students, including minors, at Saint Frances Academy;

c. Whether Ryan Penalver took advantage of the minor students at Saint Frances Academy and inappropriately pressured those students to engage in personal relationships with him, which included inappropriate physical touching:

d. Whether Ryan Penalver committed assault and/or battery against students at Saint Frances Academy;

e. Whether School Defendants (including their officers, directors, employees, and/or agents) had actual or constructive knowledge of Ryan Penalver's actions, including but not limited to prior allegations of harassment and physical abuse, and failed to take prompt action to protect the children at the school;

f. Whether School Defendants (including their officers, directors, employees, and/or agents) had actual knowledge of prior incidents of sexual abuse between teachers and students that would have resulted in barring Ryan Penalver from school grounds;

g. Whether School Defendants, including teachers, administrators, staff, or sisters at Saint Frances Academy, had actual knowledge of and acted promptly to report concerns of Ryan Penalver's inappropriate behavior and actions toward minor children including students at Saint Frances Academy; and

h. Whether, as a result of the Defendants' misconduct, Plaintiff and the Class are entitled to damages, restitution, equitable relief and/or other damages and relief.

42. The representative Plaintiff's claims are typical of the claims of the Class because Plaintiff and all members of the Class were injured by the same wrongful practices in which Defendants engaged and are based on the same legal theories.

43. Plaintiff will fairly and adequately protect and pursue the interests of the members of the Class. Plaintiff will vigorously represent the interests of the Class. Neither Plaintiff nor her attorneys have interests which are contrary to or in conflict with those of the Class.

44. This action is properly maintained as a Class Action under Rule 2-231(b)(1)(A) in that separate actions by individual members of the Class could create a risk of inconsistent or varying adjudications with respect to individual members the Class that could establish incompatible standards of conduct for members of the Class as well as the Defendants.

45. This action is properly maintainable as a Class Action pursuant to Rule 2-231(b)(1)(B) in that separate actions by individual members of the Class would create a risk of adjudications with respect to individual members of the Class which would, as a practical matter, be dispositive of the interests of other members not party to the adjudications, or would substantially impair or impede their ability to protect themselves.

46. This action is also properly maintainable under Rule 2-231(b)(3), in that questions of law or fact common to members of the Class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy between the Class and the Defendants.

47. This action is also properly maintainable under Maryland Rule 2-231(d), in that particular issues common to the Class, as described in part above, are most appropriately and efficiently resolved via class action.

48. The commonality of issues of law and fact in this case are clear. Many of the members of the classes may be unaware of their right to prosecute a claim against the Defendants. This Class Action can be managed without undue difficulty because the Plaintiff will vigorously pursue the interests of the Class by virtue of the fact that the Plaintiff has suffered the same injuries arising out of the same types of conduct as other members of the Class.

49. To the extent that some members the Class have an interest in individually controlling the prosecution of a separate action, they may exclude themselves from the Class upon their receipt of notice under Maryland Rules 2-231(e).

50. The difficulties likely to be encountered in the management of a Class Action in this litigation are insignificant, especially when weighed against the virtual impossibility of affording adequate relief to the members of the Class through dozens of separate actions.

51. Plaintiff's counsel is experienced in Class Actions and other complex litigation. The lawyers at Murphy, Falcon & Murphy, P.A. have previously litigated class actions with success both within this Court's jurisdiction and elsewhere and are experienced and highly competent in this area of practice. Therefore, Plaintiff's counsel will adequately represent the interests of the Classes.

COUNT I
Negligence
(Plaintiff and Class Members Against School Defendants)

52. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.

53. At all times relevant hereto Ryan Penalver was acting in the course and scope of his employment for the School Defendants.

54. Ryan Penalver took advantage of his position as an Saint Frances Academy employed teacher and administrator to engage in inappropriate, sexually explicit communications, including the exchange of sexually explicit photographs and videos, and to harass and sexually assault, abuse, exploit, and batter Jill Doe and, upon information and belief, the Class Members.

55. These acts were committed at Saint Frances Academy, on property owned and managed by the School Defendants, using school email accounts, and/or while Mr. Penalver was exerting his influence over Jill Doe and, upon information and belief, the Class Members by virtue of his position of authority over Jill Doe and the Class Members.

56. The School Defendants are vicariously liable for the actions of Ryan Penalver.

57. At least as early as November 2017, the School Defendants knew or reasonably could have discovered and should have known about Penalver's propensities to harass, sexually batter, threaten, harm, assault, abuse, exploit, and otherwise mentally, physically, and emotionally injure others.

58. The School Defendants had a duty to Plaintiff and the Class to timely, adequately, and appropriately establish, promulgate, and enforce rules, regulations, guidelines, policies, and procedures that would have prevented Penalver from harassing and inappropriately touching, sexually assaulting, abusing, and battering Plaintiff and, upon information and belief, the Class Members, and prevented that misconduct from occurring as it did. School Defendants breached their duty of care by failing to do so.

59. Assaults, sexual batteries, and impermissible, sexually explicit communications of the sort suffered by the Jill Doe and, upon information and belief, the Class were entirely preventable had School Defendants timely, adequately, and appropriately terminated Penalver's employment on or before November 2017.

60. As a direct and proximate cause of the School Defendants' negligence, and without any negligence on the part of Plaintiff or Class Members, the School Defendants created a foreseeable risk of harm to their students, including Jill Doe and Class Members.

61. As a direct and proximate result of the School Defendants' negligence, and without any negligence on the part of the Plaintiff or Class Members, Plaintiff and, upon information and belief, the Class Members were harassed and sexually assaulted, abused, exploited, and battered by Ryan Penalver and sustained serious and permanent injury, including physical injury, great pain of mind and body, suffered mental and emotional distress, required substantial causally related medical treatment including extensive counseling, and incurred substantial related costs.

WHEREFORE, Plaintiff, on behalf of herself and all others similarly similarly situated, demands that she be awarded damages together with equitable relief as follows:

A. Enter a judgment against Defendants finding that they are liable to Plaintiff and all others similarly situated;

B. Award compensatory damages to each Class Member from Defendants in an amount which exceeds $75,000.00, plus interest and costs;

C. Award punitive damages;

D. Award the costs and expenses of this case, including attorneys' fees;

E. Award pre-judgment and post-judgment interest;

F. Grant equitable relief for providing notice to Plaintiff and all others similarly situated;

G. Award for all other further and general relief as the court deems just and necessary.

COUNT II
Negligent Supervision
(Plaintiff and Class Members Against School Defendants)

62. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.

63. At all times relevant to this Complaint, Penalver was acting within the scope of his duties and responsibilities as a teacher and administrator at Saint Frances Academy under the employment and/or agency of the School Defendants.

64. School Defendants, including faculty and administration with supervisory authority over Ryan Penalver, knew or should have known of Mr. Penalver's propensity to harass, abuse batter, exploit, and/or harm students.

65. Defendants owed Jill Doe and the Class Members a duty to supervise and retain competent teacher assistants, employees, and other individuals present on school grounds.

66. School Defendants breached their duty to supervise their staff by failing to adequately supervise the workplace, despite the fact that they knew, or should have known, that Penalver, upon information and belief, harassed and sexually abused, assaulted, and/or exploited others. This failure to supervise includes, but is not limited to, the failure to thoroughly investigate the allegations of criminal harassment that were made on or before November 2017, as well as, upon information and belief, the failure to thoroughly investigate, upon information and belief, knowledge and/or concerns regarding Penalver's inappropriate text message communications with minor students.

67. As a direct and proximate result of the School Defendants' conduct and actions, and without any negligence on the part of Plaintiff or the Class Members, Plaintiff and, upon information and belief, the Class Members were physically, mentally, and emotionally injured,

suffered great indignity and offense, suffered pain of mind and body, suffered mental and emotional distress, required substantial causally related medical treatment including extensive counseling for related treatment, and have incurred other substantial related costs.

WHEREFORE, Plaintiff, on behalf of herself and all others similarly similarly situated, demands that she be awarded damages together with equitable relief as follows:

A. Enter a judgment against Defendants finding that they are liable to Plaintiff and all others similarly situated;

B. Award compensatory damages to each Class Member from Defendants in an amount which exceeds $75,000.00, plus interest and costs;

C. Award punitive damages;

D. Award the costs and expenses of this case, including attorneys' fees;

E. Award pre-judgment and post-judgment interest;

F. Grant equitable relief for providing notice to Plaintiff and all others similarly situated;

G. Award for all other further and general relief as the court deems just and necessary.

COUNT III
Premises Liability
(Plaintiff and Class Members Against School Defendants)

68. Plaintiff repeats and re-alleges each and every allegation contained in the preceding and following paragraphs of this Complaint as if fully set forth herein.

69. At all times relevant hereto, the School Defendants had a duty to Plaintiff and the Class Members to provide a safe premises, free of the risk of harm and/or injury by the School Defendants' employees and/or agents. Future harassment, sexual assaults, and batteries of the

sort suffered by Plaintiff and, upon information and belief, the Class Members were entirely preventable had the School Defendants timely, adequately, and appropriately prevented Penalver's continuing unfettered access to vulnerable minor children, including Jill Doe and Class Members.

70. In breach of their duty to Plaintiff and, upon information and belief, the Class Members, the School Defendants negligently failed to provide safe premises, free of the risk of harm and/or injury by the School Defendants' employees and/or agents, including Penalver. School Defendants had ample notice and opportunity to ensure the safety of their students, including Plaintiff and the Class Members, from being the victims of future harassment, sexual assaults, and batteries committed by Penalver.

71. As a direct and proximate result of the School Defendants' negligence in failing to maintain a safe premises and to otherwise protect Plaintiff and, upon information and belief, the Class Members, from harm, Plaintiff and, upon information and belief, the Class Members were harassed and sexually exploited, assaulted, and battered while students at, and on the premises of, Saint Frances Academy.

72. As a direct and proximate result of the School Defendants' conduct and actions, and without any negligence on the part of Plaintiff or the Class Members, Plaintiff and, upon information and belief, the Class Members were physically, mentally, and emotionally injured, suffered great indignity and offense, suffered pain of mind and body, suffered mental and emotional distress, required substantial causally related medical treatment including extensive counseling for related treatment, and have incurred other substantial related costs.

WHEREFORE, Plaintiff, on behalf of herself and all others similarly similarly situated, demands that she be awarded damages together with equitable relief as follows:

A. Enter a judgment against Defendants finding that they are liable to Plaintiff and all others similarly situated;

B. Award compensatory damages to each Class Member from Defendants in an amount which exceeds $75,000.00, plus interest and costs;

C. Award punitive damages;

D. Award the costs and expenses of this case, including attorneys' fees;

E. Award pre-judgment and post-judgment interest;

F. Grant equitable relief for providing notice to Plaintiff and all others similarly situated;

G. Award for all other further and general relief as the court deems just and necessary.

Respectfully submitted,

William H. Murphy III
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DEMAND FOR JURY TRIAL

Plaintiff, by undersigned counsel, hereby demands a trial by jury.

William H. Murphy III